

TO WHOM IT MAY CONCERN
THE FEDERAL BUREAU OF INVESTIGATION
WASHINGTON D.C. 20535

October 1, 1980

CENTER FOR CONSTITUTIONAL RIGHTS
Att. Margaret Ratner Esq.
Michael Ratner Esq.
William Kunstler Esq.
853 Broadway - New York, NY 10003

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED b7c
DATE 9/11/87 BY spz [REDACTED]

OUTSIDE SOURCE

Dear Margie, Michael & Bill:

CONGRESS FAILED YESTERDAY TO VOTE THE APPROPRIATION BILL.
THE GOVERNMENT IS NOW OPERATING ILLEGALLY FEDERAL PRISONS.
IN THE NAME OF THE LAW OF THE LAND, WE ARE ASKING THAT A JUDGE
OPEN IMMEDIATELY THE DOORS
OF ALL FEDERAL PRISONS.
IN THE NAME OF THE PEOPLE, WE ARE ASKING THAT ALL FEDERAL INMATES
BE IMMEDIATELY RELEASED.



V-48 DE-29 100-448821-27
No ifs and buts,
NOT RECORDED
6 OCT 8 1980

Jean Toche, for the
BELGIAN GOVERNMENT IN EXILE.

U.S.A.

CC.: The Honorable Zievereer, Attorney General, U.S. Department
of Justice, Washington D.C.
The Editor, Village Voice, N.Y.C.

60 OCT 23 1980
275

CORRESPONDENCE

Do Not Mail
See Copies
157-16907

c) Plaintiff C, a male citizen of the United States, is a registrant with the Selective Service System presently classified 1-A, but who desires to be classified as a conscientious objector as a result of his conscientious objection to participation in what he believes to be an unjust and immoral war in Vietnam. However, he presently fears that expression of his conscientious objection will result not only in the denial of conscientious objector classification, but will further lead to ~~max~~ criminal indictment and incarceration.

d) Plaintiff D, a male citizen of the United States is presently under criminal indictment for his refusal to participate in what he believes to be an unjust and immoral war in Vietnam on the basis of his conscientious objection to that war.

e) Plaintiff E, a male citizen of the United States, is a minor not yet 18 who will be required, upon reaching the age of 18, to register for the draft with the Selective Service System and who desires to be classified as a conscientious objector on the basis of his conscientious objection to participation in what he sincerely believes to be an unjust and immoral war in Vietnam. However, he presently fears that expression of his conscientious beliefs will result not only in the denial of a conscientious objector classification, but will further lead to criminal indictment and incarceration.

f) Plaintiff F, a male citizen of the United States, is a registrant with the Selective Service System presently deferred from military service who, in order to express his conscientious belief that the war in Vietnam is unjust and immoral, has returned his draft card to the Selective Service or other governmental authorities. He now faces the penalties of loss of his deferment and/or a felony prosecution as a result of his expression of his conscientious beliefs which he was otherwise unable to express given the current operation and enforcement of the conscientious objector provisions of the Military Selective Service Act of 1967.

B. Defendants

3-7 (to be completed upon choice of forum for filing)

II.

Jurisdiction

8. This action arises under the Constitution and laws of the United States, and, in particular, under Article I, Section 8, Clauses 11-14; Article I, Section 8, Clause 18; Article II, Section 2, Clause 1; Article II, Section 2, Clause 2; Article VI, Section 2; the First and Fifth Amendments, and 50 App. U.S.C. 450 (a) et seq. The Court has jurisdiction pursuant to Title 28 U.S.C. §§ 1331, 1343, 2201 and 2202. The amount in controversy, exclusive of interests and costs, exceeds the sum of \$10,000.00.

III.

First Cause of Action

9. Section 6(j) of the Military Selective Service Act of 1967 reads as follows:

"6(j) Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

10. Defendants have construed the foregoing statute so as to require a registrant to swear that, as a result of a traditional religious education, he would have been unwilling to serve in any military action in which this government has previously engaged or in any present or hypothetical future action without question or exception to his refusal to serve.

11. Section 6(j) of the Military Selective Service Act of 1967 as construed by the defendants and their agents and employees, attributes a meaning to the statute which renders it unconstitutional in both on its fact and as applied to the members of these classes.

12. The defendants herein and their agents and employees have construed the statute and continue to construe it in such a way as to deny the rights of those plaintiffs who seek to obtain conscientious objector status on the basis of their sincere and unyielding objection to participation in what they believe to be an unjust and immoral war in Vietnam. Defendants' construction of the statute creates a chilling effect on those who would attempt to obtain conscientious objector status by raising threats of criminal indictment and imprisonment for the uncompromised expression of such views.

13. The First Amendment to the Constitution guarantees freedom of speech and protects activities through which deeply held beliefs are expressed. By applying for conscientious objector classifications on the grounds that they believe the war in Vietnam is illegal, unjust, and immoral, plaintiffs seek to express the view that one with conscientious beliefs need not bear arms in contravention to his deepest principles and further to express and advocate their view that refusal to bear arms in this conflict is the right and moral course to be followed by all. Plaintiffs' efforts to obtain conscientious objector status, therefore, are an exercise of the freedom of expression guaranteed by the First Amendment.

14. By threatening plaintiffs with criminal punishment for persisting in the advocacy and expression of their views, despite denial to them of conscientious objector status, defendants place a prior restraint upon the plaintiffs' free expression of their ideas and opinions as guaranteed to them by the First Amendment. This prior restraint, enforced by threats of criminal sanction, creates a chilling effect in violation of the First Amendment on plaintiffs and those they represent who desire, by requesting conscientious objector status, to effectively express their views.

15. The sincere and unyielding objections to the war in Vietnam held by plaintiffs are founded upon, among other bases, the plaintiffs' reasonable belief that:

a) the United States is waging an illegal war in Vietnam in violation of the provisions of the Charter of the United Nations in that military action is now being pursued by the armed forces of the United States in a civil war in South Vietnam without sanction or authorization of the Security Council of the United Nations;

b) acts of aggression are being committed by said armed forces against the territory and people of North Vietnam in violation of said provisions of the United States Charter and of other well-established Treaties recognized in international law;

c) the United States is waging a war in Vietnam in violation of the Constitution of the United States limiting and defining the warring powers of the government; that such war is being conducted solely upon the purported authority of the President and the Executive branch of the government in violation of the provisions of Article I, Clause 8, of the Constitution of the United States by virtue of the fact that no declaration of war has been made against any nation by the Congress of the United States, which is the only body empowered by the Constitution to declare war;

d) various acts constituting war crimes and violation of the laws of war have been committed and are presently being committed by members of the armed

forces of the United States in Vietnam.

16. Plaintiffs allege not only that the First Amendment guarantee of free expression protects and insures their right to conscientious objector status, but also that denial of that status would further be in violation of fundamental principles of international law. Among the most basic tenets of international law to which this nation has bound itself is the nation that in the forum of conscience, duty to a moral power higher than the state may always be maintained. These principles of international law require and protect the exercise of conscientious objection to immoral government participation in a military conflict. Plaintiffs cannot be forced to choose between criminal punishment resulting from the uncompromising expression of their views on the one hand, and violation of their deeply held conscientious principles on the other.

17. The operation and enforcement of the void, invalid and facially unconstitutional statute further violates the non-establishment of religion guarantee of the First Amendment by gratuitously exempting from military service only those conscientious objectors whose inability to participate in the war in Vietnam stems from traditional religious convictions.

18. The operation and enforcement of this void, invalid and facially unconstitutional statute is further violative of the due process guarantee of the Fifth Amendment insofar as it creates classifications among those whose conscientious scruples will be held inviolate, which classifications are arbitrary and without reasonable justification in fact or in law and are vague and indefinite and do not specify, for either the persons whose conduct is regulated or the trier of fact, when a conscientious objector classification shall be granted or withheld.

The operation and enforcement of the statute is further violative of the equal protection of the laws guarantee of the Fifth Amendment insofar as it exempts only those whose objection to serving in the armed forces in Vietnam stems from traditional religious beliefs.

19. Furthermore, section 6(j) is unconstitutional as applied by defendants to plaintiffs herein in that it permits defendants to inquire into the nature and substance of plaintiffs' objection to participation in the war in Vietnam, and to determine whether that objection is based on traditional religious principles, when in fact defendants are required by the Constitution to examine only the question of whether the conscientious objection of the registrant is one which is sincere, meaningful, and deeply and conscientiously adhered to.

20. Section 6(j) is unconstitutional as applied to plaintiffs inasmuch as they have been or will be denied the protection of conscience guaranteed by the First Amendment as a result of the arbitrary and unreasonable action of defendants in favoring and exempting traditional religious objectors rather than all those whose conscientious objection to the war in Vietnam justifies their refusal to participate in it in any manner.

21. Section 6(j) is further unconstitutional as applied to plaintiffs because it is used by defendants to create a chilling effect on the expression of plaintiffs' views and is used as a vehicle for deterring the expression of said principles and views. This prior restraint is accomplished by denying conscientious objector status to those who express views and conscientious beliefs such as those held by plaintiffs and then by criminally prosecuting plaintiffs and other similarly situated as a result of the expression of any unyielding adherence to their conscientious beliefs.

22. As a result of the implementation of the statute by defendants, their agents and employees, Section 6(j) will continue to operate unconstitutionally so as to deny plaintiffs their rights, privileges and immunities secured to them by the Constitution and laws of the United States.

23. Unless this Court restrains the operation and enforcement of this void and unconstitutional statute, and orders and directs that these plaintiffs and the classes they represent shall be granted conscientious objector status upon asserting a sincere and unyielding belief that the war in Vietnam is unjust and immoral, justifying plaintiffs' refusal to participate therein, the plaintiffs and those represented by them will suffer immediate and irreparable injury.

The effect of enforcing this statute is to erode the fundamental rights of freedom of speech and conscience and the guarantee of separation of church and state. The free expression of views on issues of critical current national importance is jeopardized by the chilling effect of criminal sanctions which result from the uncompromising expression of conscientiously held principles which conflict with certain current government policies. On such topics more than any others it is imperative that expression of such views be openly permitted.

Second Cause of Action

Plaintiffs repeat and re-allege paragraph 9 through 23 above and further allege:

24. Article I, Section 8, Clause 11 of the United States Constitution provides that Congress shall have the power "to declare war". As this power to declare war is nowhere else mentioned in the Constitution, it has long been recognized that the declaration of war is a function exclusively committed to the legislative branch of government.

25. Article II, Section 2 of the United States Constitution provides that "(t)he President shall be the Commander in Chief of the Army and Navy of the United States". On the basis of this text, it has long been established that with limits dictated by emergency, the Chief Executive officer has the power, without the consent of Congress, to deploy troops to meet the emergency.

26. The war in Vietnam is being waged without constitutional authority. Congress has not enacted a declaration of war in Vietnam nor has it otherwise validly authorized large-scale military operations by the Armed Forces of the United States in Vietnam. What ever limited powers reside in the President to meet military emergencies, if ever justified with respect to Vietnam, have been exhausted.

27. The Chief Executive, in violation not only of the letter of the law, but also of the spirit of the law, continues to wage war in Vietnam refusing all counsel from the duly constituted authorities including the Senate of the United States from whom he is constitutionally obliged to seek advice and consent on foreign policy. On information and belief, plaintiffs allege that these Congressional authorities, if consulted, would reflect Congressional dissent from the nation's present engagement in the war in Vietnam. As a result of the President's refusal to consult with the elected representatives of the people in accordance with the Constitution of the United States, he has exceeded his powers and his use of the Selective Service System for recruitment in furtherance of an illegal military campaign is therefore ultra vires and of no force and effect.

28. Unless this Court enjoins the conscription of young men into the Armed Forces in the absence of a declaration of war by the Congress that would give the sanction of law to the conflict, plaintiffs and those they represent will continue to be deprived of liberty and life itself in violation of Article I and II of the Constitution and the Fifth Amendment thereto.

29. Plaintiffs have no adequate remedy at law.

WHEREFORE, plaintiffs pray for the following relief:

1. That pursuant to Title 28 U.S.C. 2282 and 2284, a three-judge federal district court be immediately convened to hear and determine this proceeding; 2. That a permanent injunction issue

a) restraining the defendants, their agents and employees from the continued present discriminatory and unconstitutional enforcement and implementation of Section 6(j);

(b) restraining their defendants, their agents and employees, from deterring and preventing plaintiffs and those they represent from exercising the rights, privileges and immunities guaranteed to them by the Constitution and laws of the United States;

c) restraining the enforcement of criminal sanctions threatened or presently pending against plaintiffs and those they represent who have expressed or will express their refusal to participate in what they believe to be an immoral and unjust war in Vietnam;

d) ordering and directing that these plaintiffs and the classes they represent shall be granted conscientious objector status upon asserting a sincere and conscientious belief that the war in Vietnam is unjust and immoral justifying their unyielding refusal to participate therein;

e) ordering and directing that defendants refrain from drafting any man whatever for service in Vietnam unless and until the Congress of the United States declares this nation at war with that country.

3. That a declaratory judgment issue declaring that Section 6(j) is void on its face and/or as applied as violative of the Constitution of the United States;

4. That pending the hearing and determination of the prayers for permanent relief an interlocutory injunction issue restraining the defendants, their agents and employees, from enforcing in the present discriminatory and unconstitutional manner Section 6(j) and restraining the prosecutions of those who have expressed or will express their refusal to participate in what they believe to be an immoral and unjust war in Vietnam;

5. That plaintiffs have such other and further relief as to this Court may seem just, equitable and appropriate in the premises.

Respectfully submitted,

b7D

9/25/73

[REDACTED]

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DATE 8/28/87 BY sp7 [REDACTED]

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157-10185-1a's

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FBI - NEW YORK	

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ALL INFORMATION CONTAINED
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DATE 8/28/87 BY SP7 [REDACTED] b7c

File No. 157-10185-1A1Date Received 7/27/73From [REDACTED]

(NAME OF CONTRIBUTOR)

[REDACTED]

(ADDRESS OF CONTRIBUTOR)

By [REDACTED]

(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes☒ NoReceipt given ☐ Yes☒ No

Description:

[REDACTED]

157-10185-1A1

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SERIALIZED <u>[REDACTED]</u>	FILED <u>[REDACTED]</u>
FBI — NEW YORK	

[REDACTED]

UNITED STATES GOVERNMENT

Memorandum

TO

SAC, NEW YORK

DATE: 7/10/73

SUBJECT:

SAC, MINNEAPOLIS (157-2804) (P)

CENTER FOR CONSTITUTIONAL RIGHTS
588 9th Ave.
New York, New York 10036

EM - AIA
(OO: NEW YORK)

On 5/9/73 a search warrant was issued by the United States Magistrate, Rapid City, South Dakota, for the premises known as the National Wounded Knee Communications Center, 208 North 11th Street, Rapid City, South Dakota (subject of MP 157-1925). On the same date Bureau Agents assigned to the Wounded Knee Special executed that warrant and in the course of the execution of that warrant seized a sizable quantity of records pertaining to the supply and support of the participants of Wounded Knee.

Among the items seized was a file of index cards containing captioned information.

Per recent Bureau instructions to Minneapolis, New York is requested to obtain background information re subject and conduct a preliminary inquiry to determine possible extremist activities on the part of captioned subject. New York is also requested to check indices and contact informants and establish sources, if appropriate. Requested investigation should be conducted with the thought in mind, as per Bureau instructions, that subject may be involved in New Left or other militant activities or may merely be sympathetic to Indian causes.

This case is being worked in connection with the Wounded Knee Special and should be handled expeditiously.

- 2 - New York
- 3 - Minneapolis
(2 - 157-2804)
(1 - 157-1925 Sub D)

OPEN
ORIGIN
SUPV

157
DATE 7/19/73
SECT 831



5010-101-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ALL INFORMATION CONTAINED
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DATE 8/28/87 BY SP

MP 157- 2804

LEADS

MINNEAPOLIS

AT MINNEAPOLIS, MINNESOTA

Search indices re subject and provide office of origin with all positive information and place information in captioned file.

NEW YORK

AT NEW YORK, NEW YORK

Conduct investigation requested above.

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New York 157-10185-2

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100-448821-13

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New York 157-10185-3

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Memorandum

TO : SAC, NEW YORK

DATE: September 22, 1973

FROM : [REDACTED] AC, MINNEAPOLIS (157-2804) (RUC)

SUBJECT: [REDACTED] CENTER FOR CONSTITUTIONAL

RIGHTS

588 9th Ave.

New York, NY

EM-AIA

OO:NEW YORK

Re Minneapolis letter to New York, 7/10/73.

Investigation has been conducted concerning the captioned organization in order to determine any connection with the Wounded Knee, South Dakota, occupation by the American Indian Movement (AIM), which occurred from February 2 1973, through May 8, 1973.

Inasmuch as matters of militant AIM individuals and other revolutionary types continue in South Dakota, and throughout other Indian Reservations, it is important that it be established whether or not the captioned organization supports a propensity for violence.

On 8/28/73 a review of Minneapolis indices and indices at Rapid City, South Dakota, concerning the Wounded Knee Special met with negative results.

All logical investigation has been conducted concerning captioned organization in Minneapolis Division, and this matter is therefore being placed in RUC status.

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DATE 8/28/87 BY SP7 [REDACTED]

DO NOT DESTROY - PENDING LITIGATION

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② - New York
① - Minneapolis (157-2804)

b7c
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FBI - NEW YORK
[REDACTED] b7c

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

NSOLIDATED

ON 2/25

FEDERAL BUREAU OF INVESTIGATION
FREEDOM OF INFORMATION/PRIVACY ACTS SECTION
COVER SHEET

SUBJECT: Center for Constitutional Rights

b7D

3/17/72

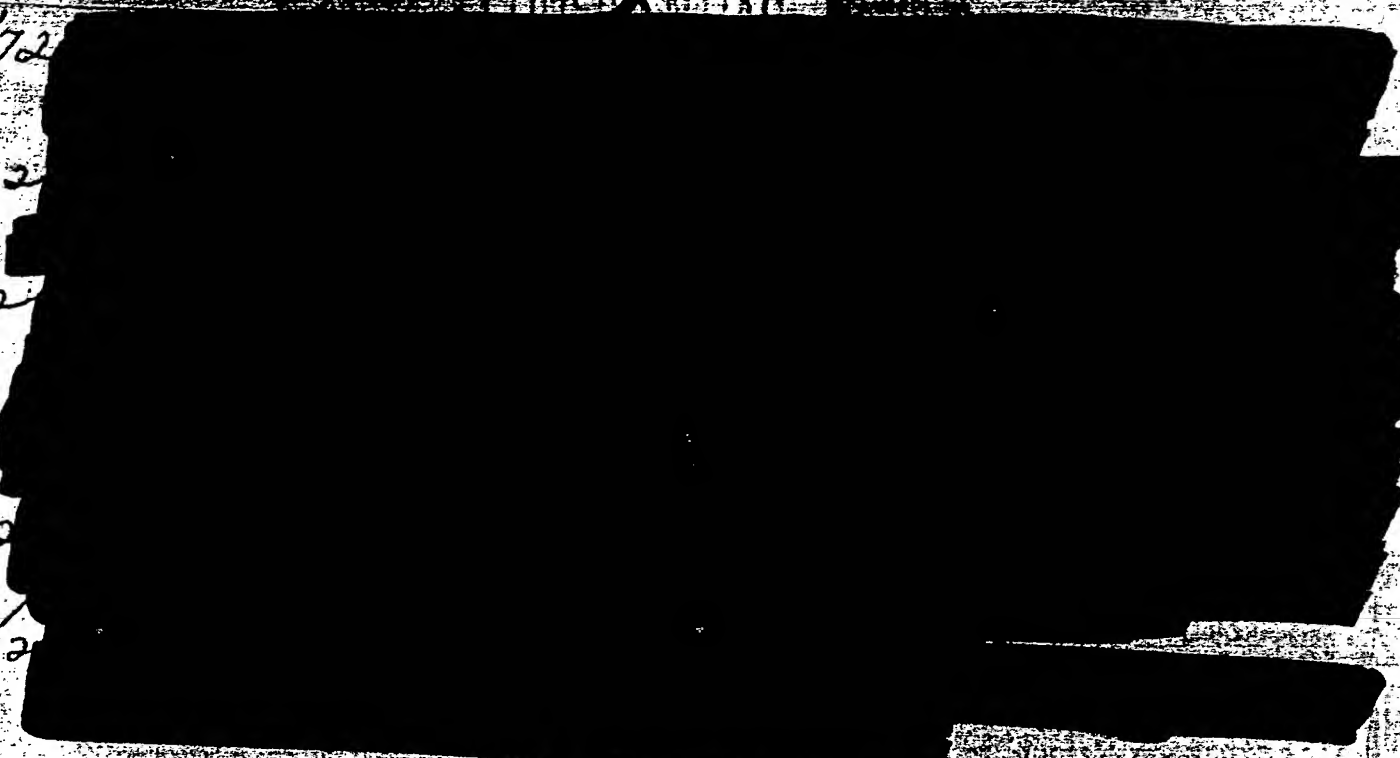
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DATE 12/22/82 BY SP2 [redacted] b7c



NY-100-162180-1A

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File No. 100-162180-1A-1

Date Received 3/12/77 X

From ~~[redacted]~~ C

(ADDRESS OF CONTRIBUTOR)

(CONCERN)

By ~~[redacted]~~ C

(NAME OF SPECIAL AGENT)

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☒ No

Receipt given ☐ Yes
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Address of Contributor

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By [REDACTED]

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File No. 100-162180-1A³Date Received 3/13/72From [REDACTED] (c) b1

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(CONCEAL)

By [REDACTED] b7c

(NAME OF SPECIAL AGENT)

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New York 100-162180-1A3

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ENTER & RETURN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

File No. 100-162180-1A 4

Date Received 3/13/77

From: [REDACTED]

(ADDRESS OF CONTRIBUTOR)

By: [REDACTED]

To Be Returned ☐ Yes

Receipt given ☐ Yes

☒ No

Description: [REDACTED]

Classified by SP7
Declassify on: OADR

Classified by SP7
Declassify on: OADR
8/28/87

100-162180-1A4

SEARCHED INDEXED
SERIALIZED FILED
MAR 13 1977
FBI - NEW YORK

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File No. 100-174056

Date Received 11/23/71

From [REDACTED] (C)
(NAME OF CONTRIBUTOR)

(ADDRESS OF CONTRIBUTOR)

By [REDACTED] (C)
(NAME OF SPECIAL AGENT)To Be Returned ☐ Yes
☒ NoReceipt given ☐ Yes
☒ No

Description:

[REDACTED]

Classified by SP2 [REDACTED]
Declassify on: OADR

SEARCHED _____ INDEXED _____
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Date

5/13/74

Title and Character of Case

CENTER FOR CONSTITUTIONAL RIGHTS
IS-NEW LEFT
(OO:NY)

Date Property Acquired

SEE BELOW

Source From Which Property Acquired

SEE INDIVIDUAL 1B's

Location of Property or Bulky Exhibit

VAULT

Reason for Retention of Property and Efforts Made to Dispose of Same

EVIDENCE AND INFORMATION RETAIN

Description of Property or Exhibit and Identity of Agent Submitting Same

SEE BELOW

- (1) 5/14/74 The 1973 report of The Center for Constitutional Rights. Rec'd on 5/2/74 by SA [REDACTED]
(2) 11/18/74 Letter from CCR dated 10/10/74. Rec'd 11/1/74 by SA [REDACTED]

DO NOT DESTROY - PENDING LITIGATION - 1B1 (1)

ALL INFORMATION CONTAINED
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DATE 8/28/87 BY SP2 [REDACTED]

DO NOT DESTROY - PENDING LITIGATION

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

SEARCHED [REDACTED] INDEXED [REDACTED]
SERIALIZED [REDACTED] FILED [REDACTED]

MAY 13 1974
FBI - NEW YORK

Field File #

NY 100-162180-1B1
#3A6

DO NOT DESTROY - PENDING LITIGATION 1B1

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Duplicate of FBTHQ
Serial 100-448821-2

- ☐ For your information:

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Ltr Enclosure dated 7/21/68

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Airtel dated 2/21/68.

- ☐ For your information: _____

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